

**REPORT ON THE
BOARD OF EXAMINERS IN
MARRIAGE AND FAMILY THERAPY**

Montgomery, Alabama



**Department of
Examiners of Public Accounts**

**50 North Ripley Street, Room 3201
P.O. Box 302251
Montgomery, Alabama 36130-2251**

Ronald L. Jones, Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

Telephone (334) 242-9200
FAX (334) 242-1775

Ronald L. Jones
Chief Examiner

Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251

Location:
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

June 9, 2004

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Alabama Board of Examiners in Marriage and Family Therapy** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Alabama Board of Examiners in Marriage and Family Therapy**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

CONTENTS PAGE

PROFILE	1
PURPOSE/AUTHORITY	1
BOARD CHARACTERISTICS	1
OPERATIONS	2
FINANCIAL	4
SIGNIFICANT ITEMS	4
STATUS OF PRIOR FINDINGS.....	5
ORGANIZATION	7
PERSONNEL	7
PERFORMANCE CHARACTERISTICS	7
FINANCIAL INFORMATION.....	10
SCHEDULE OF FEES	10
SCHEDULE OF OPERATING RECEIPTS, DISBURSEMENTS, AND BALANCES.....	12
OPERATING RECEIPTS VS OPERATING DISBURSEMENTS (CHART)	13
QUESTIONNAIRES	14
BOARD MEMBER QUESTIONNAIRE	14
LICENSEE QUESTIONNAIRE	16
COMPLAINANT QUESTIONNAIRE	23
APPENDICES	25
STATUTORY AUTHORITY	25
BOARD MEMBERS	45

PROFILE

Purpose/Authority

The Board of Examiners in Marriage and Family Therapy was created by Act 97-170 and regulates the practice of marriage and family therapy in Alabama. The board licenses marriage and family therapists and investigates complaints concerning the practice of marriage and family therapy. The *Code of Alabama 1975*, Sections 34-17A-1 through 34-17A-26 provide the statutory authority for the operations of the board.

Board Characteristics

Members	5 by statute (currently one vacancy)
Term	Five-year, staggered terms. Board members are ineligible for reappointment for a period of three years following completion of their terms.
Selection	Appointed by the governor from nominees submitted by the board of directors of the Alabama Association for Marriage and Family Therapy.
Qualifications	The board consists of : 1 citizen member from the general public, 1 marriage and family therapy educator, and 3 practicing marriage and family therapists licensed by the board.
Minority Race Representation	No specific requirement in statutes. One black member
Consumer Representation	By statute - one member from the general public.
Other Representation	Statutes provide that the membership of the board shall be appointed so that, to the extent possible, the board reflects the geographic, gender, and racial diversity of the state as a whole. The current board includes: Four members from central Alabama (Birmingham, Elmore and Montgomery), Two male and two female members, Three white and one black members, One vacancy

Compensation	Each member receives the same per diem and travel allowances as state employees for each day of attendance at an official meeting of the board.
---------------------	---

Operations

Administrator	Paula McCaleb, Executive Director. The board contracts with Warren and Company, Inc. for management services. The board neither appoints nor sets the salary of the executive director.												
Location	610 South McDonough Street Montgomery, AL 36104												
Type of License	<p>The board licenses marriage and family therapists (MFT) to practice in Alabama.</p> <p style="text-align: right;">Number at 03/30/04</p> <table> <tr> <td>Licensed Therapists</td><td style="text-align: right;">219</td></tr> <tr> <td>• Therapist Supervisors</td><td style="text-align: right;">43</td></tr> <tr> <td>• Therapist Supervisor of Supervision</td><td style="text-align: right;">21</td></tr> <tr> <td>• Therapist Supervisor in Training</td><td style="text-align: right;">1</td></tr> <tr> <td>• Associate</td><td style="text-align: right;">24</td></tr> <tr> <td>• Intern</td><td style="text-align: right;">6</td></tr> </table> <p>Note: “Supervisor” is a secondary designation of licensed marriage and family therapists.</p>	Licensed Therapists	219	• Therapist Supervisors	43	• Therapist Supervisor of Supervision	21	• Therapist Supervisor in Training	1	• Associate	24	• Intern	6
Licensed Therapists	219												
• Therapist Supervisors	43												
• Therapist Supervisor of Supervision	21												
• Therapist Supervisor in Training	1												
• Associate	24												
• Intern	6												
Reciprocity	By statute, the board must issue a license by examination of credentials to any person licensed or certified as a marriage and family therapist in another state which has requirements for licensure that are equivalent to or exceed Alabama requirements, provided that applicant submits an application on forms prescribed by the board and pays the original licensure fee.												
Renewal	Licenses are renewed every two years												
Continuing Education	A minimum of 40 hours of continuing education or experience units during the previous 24 months are required for license renewal for licensees and associates.												

Examinations	The board contracts with Professional Examination Service, a private company, to provide a national examination prepared by the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB). The tests are given electronically at any Prometric Technology Center (formerly Sylvan Learning Center) three times a year. The board determines who is eligible to sit for the exam. Candidates send the examination fee directly to the Professional Examination Service. Scores are returned to the board who inform candidates of the examination results.
Employees	The board has no employees. The board contracts with Warren and Company, Inc., for management services.
Legal Counsel	Attorney General's Office
Subpoena Power	No
Internet Presence	<p>www.mft.state.al.us The board's web site contains:</p> <ul style="list-style-type: none"> • Home—board address, phone and fax number, e-mail address and pdf copy of the ABEMFT Newslite (the board's newsletter) • Board—names, address and information concerning the board members, official and staff • Calendar—list of board meeting dates • Law—appropriate <i>Code</i> sections • Rules—appropriate administrative code sections • Forms—downloadable applications and forms • Licensee Roster—list of licensees • Links—to the national family therapist organization, educational seminar organization, professional development organization, and exam services organization • Disciplinary Actions—results of disciplinary actions taken
Attended Board Member Training	Executive Director, Paula McCaleb

Financial

Source of Funds	Licensing fees
State Treasury	Yes
Unused Funds	Retains unexpended funds.

SIGNIFICANT ITEMS

- 1. The Board Has Not Published and Distributed Its Annual Report as Required:** The board is required to publish an annual report of its proceedings and work, plus any other information it may wish to report, and distribute the report to the Governor and the Legislature by the *Code of Alabama 1975*, Sections 34-17A-7 (b)—“... The board shall have available for the Governor or his or her representative detailed reports on proceedings and shall make annual reports in a form as required by the Governor.” and 34-17A-24—“The board shall submit to the Governor and the Legislature and shall publish an annual report of its work and any additional information collected by the board as it may wish to include. The board may make legislative recommendations to the Governor and the Legislature at any time.” The board did not publish and distribute a report to the Governor for the 2001-2002 fiscal year. Additionally, the board has not distributed any reports to the Legislature.
- 2. The Board has Established a Separate Associate License not Provided for by Law.** The licensing law for marriage and family therapists provides for only one license for marriage and family therapists and contains provisions for obtaining and renewing that license. The board has established an additional associate license by administrative rule with the following characteristics:
 - Same prerequisite educational requirements as a fully licensed marriage and family therapist,
 - Same continuing education requirements as a fully licensed marriage and family therapist,
 - Less prerequisite hours of practice under supervision than a fully licensed marriage and family therapist,
 - Not required to take the licensing examination required by law for licensed marriage and family therapists,
 - Application for and issuance of license credentials for a fee
 - Practice under supervision of a fully licensed marriage and family therapist under terms of an agreement between the supervisor and the associate, as approved by the board,
 - Required periodic renewal of license for a fee for an indefinite period of time,

- Authority to advertise services if the advertising states that the associate is practicing under supervision of a specific licensed marriage and family therapist,
- Direct billing for services.

Creation of the associate license derives from a provision of the board's licensing law in *Code of Alabama 1975*, Section 34-17A-5, that exempts trainees from licensing requirements. This section provides that, "The following persons shall be exempt from this chapter:" Under this provision the following language appears. "A person who is a marriage and family therapy intern or person preparing for the practice of marriage and family therapy under qualified supervision in a training institution or facility or supervisory arrangement recognized and approved by the board, provided, that he or she is designated by title as a "marriage and family therapy intern," "marriage therapy intern," "family therapy intern," or another title clearly indicating a training status."

The board has established and set standards for trainees who are titled as "interns" and has done the same for persons titled as "associate licensees". However, interns are not referred to in the board's administrative rules as licensees as are the associate licensees, and interns are allowed by the board's administrative rules to remain as interns for a maximum of five years. There are no stated limits in the board's rules as to how long an associate licensee can remain licensed as an associate.

An applicant for associate license is required to submit a plan of supervision for board approval in order to obtain an associate license, and the associate's advertising is required to state that he or she is practicing under the supervision of a specific board-approved supervisor. The board has specific statutory authority to set the standards for supervision of trainees; however the board has no administrative rules that address how close the supervision of associate licensees must be or whether the associate licensee must operate from the same offices as the supervising therapist.

3. **Recognition by Insurance Companies** - In response to a questionnaire sent to licensees, 31% of respondents (22 of 71) stated they were concerned with acquiring recognition from insurance companies and Medicaid in order to participate in 3rd party payment of claims

STATUS OF PRIOR FINDINGS

All findings from our most recent prior routine examination of the board have been resolved except the following:

Finding

By administrative rule, the board adopted fees without specific statutory authority. Specific statutory authority exists only for a fee for an original license, a license renewal fee, and a late license renewal fee, all of which are authorized to be set by the board. The board has set these fees at \$200 (license fee), \$200 (license renewal fee), \$50 (late renewal fee). Appendix 1 of the board's administrative rules establishes the following additional fees that are not authorized in the board's enabling statutes:

- \$25 for information packet,
- \$25 for MFT Intern application fee,
- \$150 for review of credentials,
- \$25 for transfer fee,
- \$25 for application and approval for LMFT Supervisor in Training status,
- \$25 for application and approval for LMFT Approved Supervisor status,
- \$25 for renewals of LMFT Approved Supervisor status,
- \$50 for replacement of original license.

Various opinions of the Attorney General have stated that fees not specifically authorized by statute cannot be charged.

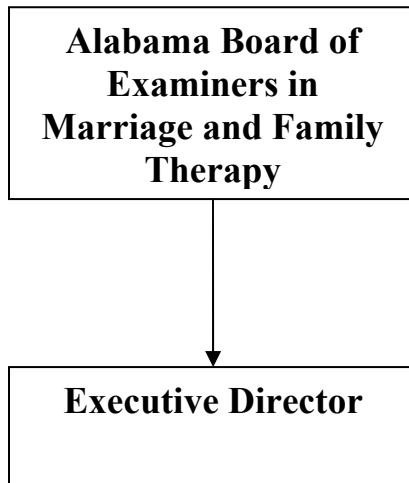
Recommendation

We recommended that the board should not charge fees other than those specified in its enabling statutes. The board stated that it was drafting legislation which would permit it to charge the fees questioned. However, at the time of the prior examination, the legislation had not yet been submitted.

Current Status

Although the examination report containing the finding was released May 31, 2002. The board has not ceased collecting the unauthorized fees, and no legislation has been introduced. The board is also now charging a \$200 fee for original associate license and \$200 for renewal of an associate license. An associate license is not provided for in the board's licensing statutes. We note that language in Attorney General's opinion 87-0222 dated June 23, 1987 to Alabama Surface Mining Commission states "*Where the legislature has established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the legislature has not established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees.*"

ORGANIZATION



PERSONNEL

There are no direct employees. The board contracts with Warren and Company, Inc., to perform management functions. Compensation for this service under the contract is \$30,000, consisting of \$2,500 per month. The company maintains the board's records and performs the board's administrative operations from its downtown Montgomery office.

PERFORMANCE CHARACTERISTICS

Total Expenditure per Licensee* (2002-2003 fiscal Year) – \$141.45

*Only Licensed Marriage and Family Therapists, Marriage and Family Therapy Associates, and Marriage and Family Therapy Interns were included in the calculation. All supervisor designations are part of the Licensed Marriage and Family Therapist license category.

Number of Persons per Licensee in Alabama and Surrounding States

<u>State</u>	<u>Population (Estimate)</u>	<u>License Designation</u>	<u>Number of Licensees</u>	<u>Persons per Licensee</u>
Alabama	4,500,752	Licensed MFT	219	20,551
		MFT Associate	24	187,531
		MFT Intern	6	750,125
		LMFT Supervisor in Training	1	4,500,752
		LMFT Approved Supervisor	43	104,669
		LMFT Supervisor of Supervision	21	214,322
Florida	17,018,068	Licensed MFT	1,278	13,316
		Registered MFT Intern	385	44,203
Georgia	8,684,715	Licensed MFT	588	14,770
		MFT Associates	25	347,389
Mississippi	2,881,281	Licensed MFT	387	7,445
Tennessee	5,841,748	Licensed MFT	275	21,243

Notification to Licensees of Amendments Administrative Rules

The board complied with procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are being notified of final changes through the board's newsletter and the board's website.

Complaint Resolution

During the past four years, the board has received one complaint. The complaint was investigated, and a disciplinary hearing was held October 20, 2000. The respondent was found in violation of *Code of Alabama 1975*, Section 34-17A-14 (3) and the board's administrative code chapter 536-X-6-(3) which concern fraud or misrepresentation in obtaining a license. The board chose to deny any disciplinary action in the case. The board stated that currently it has the statutory authority only to suspend or revoke a license. The power to fine, put on probation, monitor, require further education or other options have not been provided in the current statutory authority.

Complaint Process

Initial Documentation	A complete complaint form must be received in the board office
Anonymous Complaints	The board does not accept anonymous complaints.
Investigative Procedures	<ul style="list-style-type: none">➤ An investigative file is then opened establishing a case number and an investigative committee consisting of one board member, the Assistant Attorney General, the investigator and the executive director.➤ The committee reviews and actively pursues an investigation to a legal and logical conclusion.➤ Once probable cause has been met, a hearing will be scheduled and the parties notified at least 21 days in advance. If the complaint is not substantiated by evidence, the case is closed.
Hearing Procedures	<ul style="list-style-type: none">➤ Hearings are conducted at the board's office in the conference room. This process is subject to the Alabama Sunshine Law which provides for the forum to be open to the public.➤ An administrative law judge conducts the hearing as argued by the assistant attorney general and the respondent's attorney.➤ Once the hearing is concluded, the administrative law judge writes a final order of the case which is then voted on by the board to accept, amend, or reject the judge's findings. The board member serving on the investigative committee abstains from voting in order to guarantee due process.➤ The order is sent to the respondent and the case is closed➤ Disciplinary actions are then published in the board's newsletter.

FINANCIAL INFORMATION

Schedule of Fees

The ***Code of Alabama 1975***, Section 34-17A-13 authorizes the board to set the license, renewal and late fees. The following fees have been set.

<u>Fee</u>	<u>Authority</u>	<u>Amount</u>
License Fee: Licensed Marriage and Family Therapist	34-17A-13	\$200.00
License Renewal Fee: Licensed Marriage and Family Therapist	31-17A-13	200.00
Late Fee for Renewal	34-17A-13	50.00
Administrative Fine for Ethics Violation	34-17A-14	Up to 500.00

In addition, the following fees have been set by board action that have no specific authorization in law:

License Fee – Marriage and Family Therapy Associate	Set by board	\$200.00
License Renewal Fee – Marriage and Family Therapy Associate	Set by board	\$200.00
Information Packet Required for Applicants(1)	Set by board	\$25.00
Marriage and Family Therapy Intern: <ul style="list-style-type: none">• Application• Renewal	Set by board	25.00
Licensed Marriage and Family Therapy Designation: <ul style="list-style-type: none">• Supervisor-in-Training Status• Approved Supervisor Status• Renewal for Approved Supervisor Status	Set by board	25.00
Transfer from Marriage and Family Therapy Associate to Licensed Marriage and Family Therapist	Set by board	25.00
One-time review of credentials at application for: <ul style="list-style-type: none">• Marriage and Family Therapy Associate, or• The Marriage and Family Therapy Exam, or	Set by board	150.00

• Licensed Marriage and Family Therapist		
Replacement License	Set by board	50.00

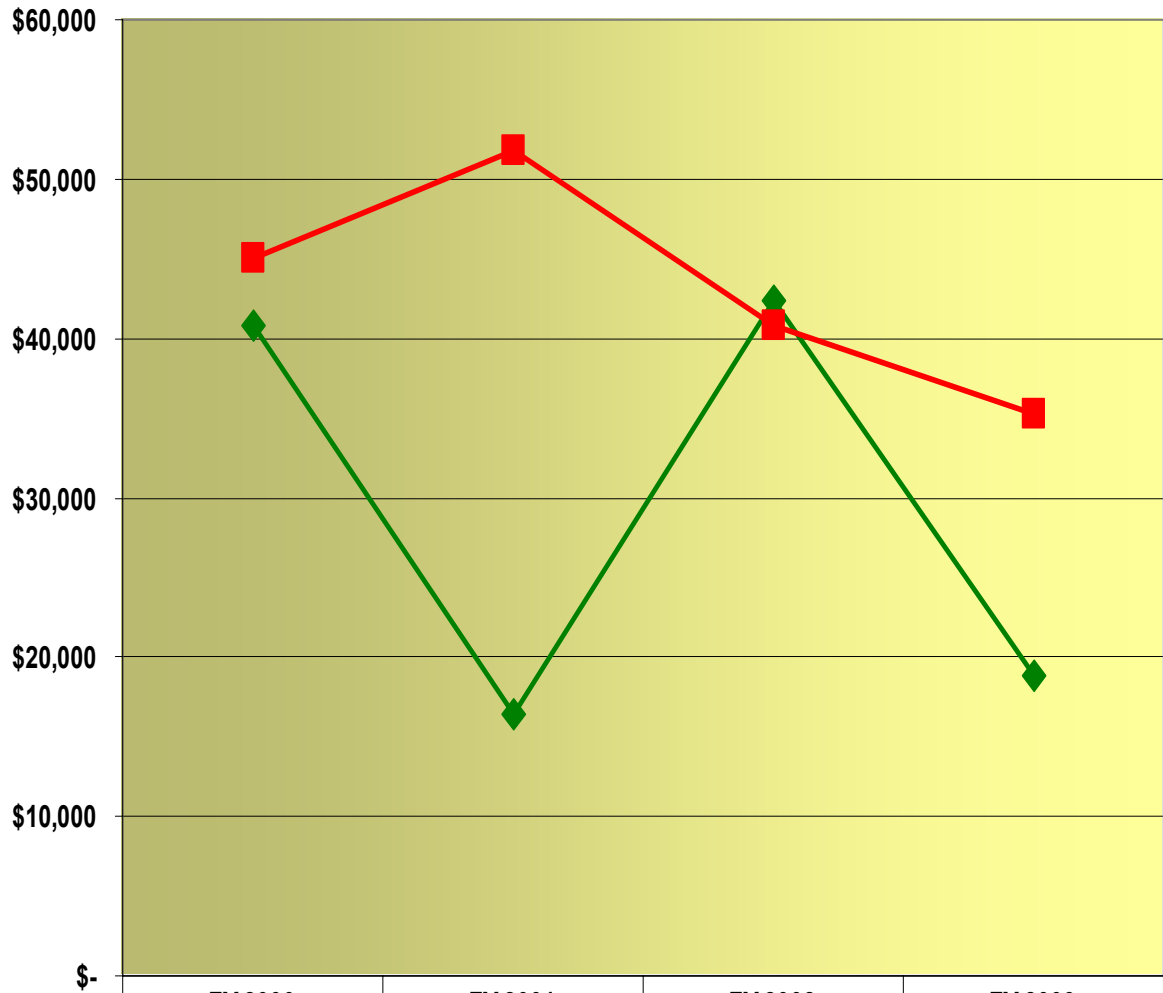
(1) The information packet fee is waived if the information contained is downloaded from the board's web site due to the expense saved on printing and mailing.

Schedule of Operating Receipts, Disbursements, and Balances

October 1, 1999 through September 30, 2003

	<u>2002-2003</u>	<u>2001-2002</u>	<u>2000-2001</u>	<u>1999-2000</u>
<u>Receipts</u>				
Licensing Fees	\$ 18,850.00	\$ 42,375.00	\$ 16,380.00	\$ 40,862.50
<u>Disbursements</u>				
Travel-in-State	1,853.30	2,248.40	2,028.72	1,484.38
Travel Out-of-State	-	-	-	479.96
Utilities and Communications	455.87	349.12	590.24	346.59
Professional Services	30,377.45	36,288.50	44,065.77	17,242.75
Supplies, Equipment and Operating Expense	2,534.46	1,858.98	5,067.02	441.95
Repayment of Loan from State's Departmental Emergency Fund	-	-	-	25,000.00
Total	<u>35,221.08</u>	<u>40,745.00</u>	<u>51,751.75</u>	<u>44,995.63</u>
Excess (Deficiency) of Receipts over Disbursements	(16,371.08)	1,630.00	(35,371.75)	(4,133.13)
Cash Balances at Beginning of Year	<u>30,819.13</u>	<u>29,189.13</u>	<u>64,560.88</u>	<u>68,694.01</u>
Cash Balances at End of Year	14,448.05	30,819.13	29,189.13	64,560.88
Reserved for Unpaid Obligations	<u>(200.00)</u>	<u>(205.00)</u>	<u>(4,434.23)</u>	<u>(97.25)</u>
Unreserved Cash Balances at end of Year	<u>\$ 14,248.05</u>	<u>\$ 30,614.13</u>	<u>\$ 24,754.90</u>	<u>\$ 64,463.63</u>

Operating Receipts Vs Operating Disbursements (Chart)



◆ Receipts	40,863.00	16,380.00	42,375.00	18,850.00
■ Disbursements	44,996.00	51,752.00	40,745.00	35,221.00

QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were mailed to all five board members. Three responded.

Question #1

What are the most significant issues currently facing the Board of Examiners in Marriage and Family Therapy and how is the Board addressing these issues?

Respondent 1—“On-line continuing education and primary education classes are significant issues. The Board is developing guidelines and changing the rules and regulations to reflect this.”

Respondent 2—“Portability or Endorsement—that is the issue of not being able to automatically accept licensees from other states because of differences in the law. These are being addressed on the meta level through the AMFTRB (Association for Marriage and Family Therapy Regulatory Boards).

Respondent 3—“The MFT [Marriage and Family Therapy] Board is quite effective—the primary issues surround licensing and approvals of continuing education units, etc. The newness of our Board affords us the ability to use the corporate knowledge of charter board members to help resolve new challenges.”

Question #2

What changes to the Board’s laws are needed?

Respondent 1—“There is a piece of legislation currently in the legislative process to update language, eliminate the grandparenting statutes and correct language experience had indicated needs clarification.”

Respondent 2—“Changes regarding licensees using distance learning opportunities to meet CEU [continuing education unit] requirements were proposed this year. I can think of no others at the present time.”

Respondent 3—“At this time I do not see the need for any additional changes to the Board’s laws other than those being currently reviewed.”

Question #3

Is the Board adequately funded?

2 Yes 0 No 1 Unknown 0 No Opinion

Question #4

Is the Board adequately staffed?

3 Yes 0 No 0 Unknown 0 No Opinion

Question #5

What is the purpose of your fiscal year end balance of unobligated funds?

Respondent 1—"It is necessary to have funds available to fund disciplinary hearings if required."

Respondent 2—"I have no earthly idea what this question means. We receive income from applications and other fees. Our expenses are primarily, meeting our monthly obligation to our contracted vendor, office expenses, travel reimbursement for board members and annual membership in the AMFTRB [Association for Marriage and Family Therapy Regulatory Boards] (required in order to use the standardized national MFT [marriage and family therapy] exam). I am fairly certain we take in more than we spend."

Respondent 3—"The funds we acquire are generated through the licensure of state therapists. The funds carry over after the normal operating expenses have been applied. The cost of doing business is being effectively managed through our executive director and the Warren and Company staff."

Licensee Questionnaire

Questionnaires were mailed to one hundred licensees. Seventy-one responded.

Question #1

Do you think regulation of your profession by the Alabama Board of Examiners in Marriage and Family Therapy is necessary to protect the public welfare?

64 Yes 6 No 0 Unknown 1 No Opinion

Respondent #19—"LPC with specialty would be adequate."

Respondent #46—"I feel it is redundant if one is already licensed as a LCSW, PIP, or LPC"

Respondent #58—"Only for insurance—the profession could do it itself with a certification, not a license."

Respondent #65—"Definitely"

Question #2

Do you think any of the Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

10 Yes 57 No 2 Unknown 2 No Opinion

Respondent #46—"Potentially this could occur."

Respondent #63—"As a former supervisor, the door of opportunity has been closed. Go to #3."

Respondent #70—"However, it would be good if all states had the same system."

Question #3

Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?

10 Yes 57 No 3 Unknown 1 No Opinion

Respondent #21—"The requirement that we use 3 of our 40 CEUs specifically to take an ethics workshop every two years before license renewal is redundant. Professionals should know what

professional, ethical practice is by virtue of their meeting the requirements for licensure! We don't need a mandatory refresher course every 2 years. There are better uses of CEUs that will benefit our clinical practice and thus protect the public."

Respondent #46—"They are somewhat redundant"

Respondent #63—"I have been a MFT Supervisor quite a number of years. Since I am no longer in an academic setting and do not supervise the required number of supervisees, I have had to give up supervisor licensed status. Years of experience are shelved."

Question #4

Are you adequately informed by the Board of changes to and interpretations of Board positions, policies, rules and law?

56 Yes 6 No 7 Unknown 2 No Opinion

Respondent #14—"I have not been informed of such initial regulations and laws."

Respondent #43—"If it is not as regular as with LPC"

Question #5

Has the Board performed your licensing and renewal in a timely manner?

Licensing:	67 Yes	2 No	0 Unknown	2 No Opinion
Renewal:	68 Yes	0 No	0 Unknown	3 No Opinion

Respondent #14—"Great!"

Respondent #31—"Initially, at the Board's start up. I experienced requirement discrepancies between Board members, but I believe they've gotten those problems resolved now."

Respondent #43—"Would prefer the terminating date being the same as with LPC"

Respondent #47—"Finally, but I was informed that I 'really did not need them in November since I could always get an automatic extension.'"

Respondent #51—"Took two years to get paperwork completed for exam due to name confusion."

Question #6

Do you consider mandatory continuing education necessary for competent practice?

67 Yes 3 No 0 Unknown 1 No Opinion

Respondent # 18—"But I think 40 is too many hours!"

Respondent #58—"Only for insurance—the profession could do it itself with certification."

Respondent #65—"Definitely"

Respondent #70—"Perhaps not as extensive or hard to meet. There is no plan or single resource. I have got to find a [illegible] good programs to find courses."

Question #7

Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

54 Yes 9 No 4 Unknown 4 No Opinion

Respondent #1—"What about approving out of state providers? Otherwise, yes!"

Respondent #5—"Need more seminars that offer ethics classes."

Respondent #11—"I would like to see more dual providers for RN and CMFT"

Respondent #14—"Important to include things from distant places and states."

Respondent #23—"I would appreciate receiving a comprehensive list of approved CEUs on a periodic basis."

Respondent #58—"Regional weekend events are needed with reasonable cost factors"

Question #8

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

Respondent #1—"Letting the public know about MFCC license and what it means for them. I have no idea what the Board is doing."

Respondent #3—"3rd party requirement"

Respondent #5—"3rd party payment. I don't know [what the Board is doing]."

Respondent #8—“The most important issues are (1) total access to Blue Cross + Blue Shield, (2) Medicaid accessibility in areas where health care services are minimal and (3) continued monitoring of ethical practices in the state.”

Respondent #10—“Pursuing of legislation to petition Blue Cross/Blue Shield to accept LMFT practitioners claims for their clients.”

Respondent # 11—“Recognition by the general public as competent mental health care providers. Don’t know what Board is doing.”

Respondent #12—“Continuing education should be available conveniently and inexpensively. Attending conferences should not be required.”

Respondent #15—“Changes/reductions in Medicaid coverage of services to clients. Probably beyond the scope of the Board.”

Respondent #19—“3rd party reimbursement; however, that would probably not be the board’s responsibility.”

Respondent #20—“Issues: (1) Recognition of our license for reimbursement from 3rd parties. The Board works with AAMFT on these issues. (2) Lack of growth of number of MFTs in this state. Don’t know how the board’s addressing supporting formation of new university programs.”

Respondent #22—“Equal representation with other mental health professionals for Medicaid/Medicare BCBS insurance companies.”

Respondent #23—“MFTs are attempting to gain legislative support for approval as legitimate providers of therapy from 3rd party payers. The board is not doing anything specifically to my knowledge in this area (however I might just not know what they are doing behind the scenes.) I do know that they are working on improving communication with other state boards on a variety of matters, including LMFT endorsement and portability of licenses between states. I definitely get the impression from reading my newsletters, etc., that they are working on my behalf.”

Respondent #24—“Public support of the profession is a constant need. The Board is addressing this at every level.”

Respondent #26—“Assuring professional competence. Board is keeping aware of professional needs of members.”

Respondent #28—“Public awareness of the profession and it’s credentials.”

Respondent #29—“Language allowing diagnosis. Also state to state creditability. Both are discussed in the last newsletters from the board.”

Respondent #30—“Equality with other mental health professionals, especially psychologists.”

Respondent #31—“Parity at the federal level so that MFT’s have approval and access to provide services just as other similarly trained clinicians do and can receive 3rd party reimbursement, i.e. Medicare and BC/BS.”

Respondent #33—“(1) third party payment, (2) continuing competencies of professionals. The Board will begin requiring proof of continuing education. I hope the Board is advocating for 3rd party reimbursement.”

Respondent #36—“Parity”

Respondent #37—“Too many people can call themselves Marriage and Family Therapist. They really should be a minimum requirement of course work and practice to be a MFT.”

Respondent #39—“(a) Training and opportunities for adequate training specifically in marriage and family counseling, (b) I’m not certain—I’d like more information on current programs in the state.”

Respondent #40—“Achieving equality with other mental health providers, vis a vis third party payers, particularly Medicare and BC/BS Alabama. The Board encourages members to maintain excellent credentials and to communicate with potentially helpful persons and agencies in the community and state as opportunity permits. May be doing much more which I am not immediately aware.”

Respondent #41—“Affordable care for middle to low income families.”

Respondent #42—“Interpreting to the general public who marriage and family therapists are and why a person might want to choose one over a general therapist. I think that the Board is adhering to high standards. Our membership must educate the public.”

Respondent #43—“3rd party reimbursements from certain insurance carriers (BSBC). The Board and ALAMFT is doing nothing so far as I know. In Georgia, they have and this would greatly aid individuals in Alabama.”

Respondent #44—“Educating others in the helping profession as to what a MFT does—especially as that applies to systems thinking.”

Respondent #46—“Lack of cooperation between mental health providers. I would love to see a governing board with all disciplines represented so we work together rather than territorially.”

Respondent #47—“We need to be included in Medicare. They are addressing the US Congress.”

Respondent #49—“Access to practice within school settings. Approval by BC/BS and others to allow payments to MFT for providing marriage and family therapy services. Currently they only acknowledge clinical psychologists and MSWs.”

Respondent #51—"Reimbursement [for] practitioners."

Respondent #55—"Not sure. Still getting to know what issues are facing Alabama and counselors in the state."

Respondent #56—"Reimbursement for mental health services, not much addressing of the issues."

Respondent #57—"(1) Informing the public in the practice of marriage and family therapy, (2) helping the public in the areas of marriage and family therapy, (3) delivering competent services to the public."

Respondent #58—"Insurance reimbursement with BC/BS of Alabama, CEU issues."

Respondent #60—"The need to be recognized by Blue Cross/Blue Shield of Alabama as a providers of services. They probably insure 2/3 of the state and nothing had been done to address this."

Respondent #63—"We have numerous leaders who are basically not informed as to a system orientation. Some continuing education is provided by the problem appears to be with some leadership that are also LPCs."

Respondent #64—"Professional Competency"

Respondent #65—"Access to third party (insurance/government) reimbursement for services rendered. Board is doing a good job (as far as I know) in terms of advocacy on behalf of the LMFTS regarding the issue."

Respondent #66—"I feel they do a very good job staying current on matters."

Respondent #67—"The Board performed an audit on my CEUs and has not informed me of the results."

Respondent #68—"a) The need for training programs to become a LMFT, b) not sure."

Respondent #70—"Information flow."

Question #9

Do you think the Board and its staff are satisfactorily performing their duties?

Board:	56 Yes	1 No	7 Unknown	7 No Opinion
Staff:	57 Yes	0 No	6 Unknown	8 No Opinion

Respondent #1—Keep requirements for training so that other licensees can't 'grandfather' in to MFCC license"

Respondent #40—"I have no complaints whatsoever about the Board and Staff and their performance of duty."

Respondent #47—"Not getting licensing forms out as early as the Counseling Board for LPCs."

Question #10

Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

0 Yes 69 No 0 Unknown 2 No Opinion

Additional Comments:

Respondent #33—"My experiences with the ABEMFT have been much more positive and productive than my experiences with the ABEC."

Complainant Questionnaire

A questionnaire was mailed to the one complainant the Board had. The complainant responded.

Question #1

Was your complaint file with the Alabama Board of Examiners in Marriage and Family Therapy by:

1 Mail 0 Phone 0 Fax 0 Other 0 Unknown

Question #2

Was receipt of your complaint promptly acknowledged??

1 Yes 0 No 0 Unknown

If yes, approximately how long after you filed your complaint were you contacted by the Board?

0 Immediately 0 Within 10 days 0 Within 20 days 1 Within 30 days
0 More than 30 days 0 Did not respond 0 Unknown

Question #3

Was the employee who responded to your complaint knowledgeable and courteous?

Knowledgeable: 1 Yes 0 Unknown
Courteous: 1 Yes 0 Unknown

Question #4

Did the Board communicate the results of investigating your complaint to you?

1 Yes 0 No 0 Unknown

Question #5

Do you think the Board did everything it could to resolve your complaint?

1 Yes 0 No 0 Unknown

Question #6

Were you satisfied with your dealings with the Board?

1 Yes 0 No 0 Unknown

APPENDICES

Statutory Authority

CHAPTER 17A. MARRIAGE AND FAMILY THERAPISTS.

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this chapter became effective April 8, 1997.

§ 34-17A-1. Short title. [AL ST SEC 34-17A-1]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#)

This chapter shall be known and may be cited the "Marriage and Family Therapy Licensure Act."

(Acts 1997, No. 97-170, p. 247, § 1.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

§ 34-17A-2. Legislative intent. [AL ST SEC 34-17A-2]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#)

(a) Marriage and family therapy in the State of Alabama is declared to be a professional practice which affects the public safety and welfare and requires appropriate regulation and control in the public interest.

(b) It is the intent of this chapter to establish a regulatory agency, structure, and procedures which will ensure that the public is protected from the unprofessional, improper, unauthorized, and unqualified practice of marriage and family therapy.
(Acts 1997, No. 97-170, p. 247, § 2.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

§ 34-17A-3. Definitions. [AL ST SEC 34-17A-3]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

As used in this chapter, the following words have the following meanings:

(1) Advertise. The issuing or causing to be distributed any card, sign, or device to any person; or the causing, permitting, or allowing any sign or marking on or in any building, radio or television, transmission or broadcast, or advertising by any media or other means designed to secure public attention.

(2) Board. The Alabama Board of Examiners in Marriage and Family Therapy.

(3) Marriage and family therapist. A person to whom a valid, current license has been issued pursuant to this chapter.

(4) Person. Any individual, firm, corporation, partnership, organization, political body, or other entity.

(5) Practice of marriage and family therapy. The process of providing professional marriage and family therapy to individuals, couples, and families, either alone or in a group. The practice of marriage and family therapy utilizes established principles that recognize the interrelated nature of the individual problems and dysfunctions in family members in order to assess, understand, and treat emotional and mental problems. Marriage and family therapy includes, without being limited to, individual, group, couple, sexual, family, and divorce therapy, whether the services are offered directly to the general public or through organizations, either public or private, for a fee or other compensation. Marriage and family therapy is a specialized mode of treatment for the purpose of resolving emotional problems and modifying intrapersonal and interpersonal dysfunctions. The terms "assess" and "treat" as used in this subdivision, when considered in isolation or in conjunction with the rules of the board, shall not be construed to permit the performance of any act which marriage and family therapists are not educated and trained to perform, including, but not limited to, administering and interpreting psychological tests, intellectual, neuropsychological, personality, and projective instruments, admitting persons to hospitals for treatment for the foregoing conditions, treating persons in hospitals without medical supervision, prescribing medicinal drugs, authorizing clinical laboratory procedures or radiological procedures, or use of electroconvulsive therapy. In addition, this definition shall not be construed to permit any person licensed pursuant to this chapter to describe or label any test, report, or procedure as "psychological," or as a "psychological evaluation."

(6) Qualified supervision. The supervision of clinical services in accordance with standards established by the board. The supervisor shall be recognized by the board as an approved supervisor.

(7) Recognized educational institution. Any educational institution which grants a bachelor's, master's, or doctoral degree and which is recognized by the board and by

a regionally recognized educational or nationally recognized professional accrediting body, or a postgraduate training institute accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

(8) Use a title or description. To hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery announcements, calling cards, or other instruments of professional identification.
(Acts 1997, No. 97-170, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

ADMINISTRATIVE CODE

- 13 Ala. Admin. Code 536-X-1-.01, Board of Examiners in Marriage and Family Therapy; Definition of Terms.
- 13 Ala. Admin. Code 536-X-2-.01; 536-X-3-.01 et seq., Board of Examiners in Marriage and Family Therapy; Board Approved Marriage and Family Therapy Designations and Requirements.

§ 34-17A-4. Acts prohibited. [AL ST SEC 34-17A-4]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

Except as otherwise provided, on or after July 1, 1998, it shall be a Class B misdemeanor for a person to do any of the following unless licensed pursuant to this chapter:

(1) Advertise that he or she performs marriage and family therapy or marriage and family counseling services.

(2) Use a title or description such as "marital or marriage therapist, counselor, advisor, or consultant," or "family therapist, counselor, advisor, or consultant," or any other name, style, or description denoting that the person is a marriage and family therapist.

(3) Practice marriage and family therapy.

(Acts 1997, No. 97-170, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28.

§ 34-17A-5. Exemptions. [AL ST SEC 34-17A-5]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) The following persons shall be exempt from this chapter:

(1) A person practicing marriage and family therapy as part of his or her duties as an employee of a recognized educational institution; a federal, state, county, or municipal governmental institution or agency; a public corporation authorized by Section 22-51-2, which is certified by the Alabama Department of Mental Health and Mental Retardation pursuant to a contract with the State of Alabama; or an organization that is nonprofit while performing those duties for which the employee was employed by the institution, agency, facility, or organization.

(2) A person who is a marriage and family therapy intern or person preparing for the practice of marriage and family therapy under qualified supervision in a training institution or facility or supervisory arrangement recognized and approved by the board, provided, that he or she is designated by title as a "marriage and family therapy intern," "marriage therapy intern," "family therapy intern," or another title clearly indicating a training status.

(3) A psychologist, properly licensed by the State of Alabama, who is practicing within the scope of his or her expertise.

(4) A professional counselor, properly licensed by the State of Alabama, who is practicing within the scope of his or her expertise.

(5) A licensed certified social worker, properly licensed by the State of Alabama, who is practicing within the scope of his or her expertise.

(6) A minister of religion or a nurse when practicing within the scope of his or her practice.

(b) Nothing in this chapter shall be construed to prevent qualified members of other licensed professional groups, including, social workers, attorneys, psychiatric nurses, psychologists, physicians, or professional counselors, or members of the clergy, from providing or advertising that they provide marriage and family therapy or counseling consistent with the accepted standards of their respective professions.

(c) Nothing in this chapter shall be construed to permit marriage and family therapists licensed pursuant to this chapter to administer, dispense, or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this state.

(Acts 1997, No. 97-170, § 5.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-17A-6. Creation of board; composition; vacancies; removal. [AL ST SEC 34-17A-6]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) There is created the Alabama Board of Examiners in Marriage and Family Therapy. The board shall consist of five members appointed by the Governor. In appointing members to the board, the Governor shall select those persons whose appointments would ensure that, to the extent possible, the membership of the board reflects the geographic, gender, and racial diversity of the state as a whole. The board shall perform the duties and have the powers as prescribed and conferred by this chapter. No member of the board shall be civilly liable for any act performed in good faith for the performance of his or her duties as a member of the board.

(b) Within 30 days after April 4, 1997, the Board of Directors of the Alabama Association for Marriage and Family Therapy shall submit a list of qualified candidates for the board to the Governor. The list shall contain names of at least two citizens from the general public, two qualified marriage and family therapy educators, and six qualified practicing marriage and family therapists. Within 60 days of receipt of the list, the Governor shall select the board from the list. The board shall consist of one citizen from the general public, one marriage and family therapy educator, and three practicing marriage and family therapists. If the Governor does not appoint members to the board within the 60-day period, the Board of Directors of the Alabama Association for Marriage and Family Therapy shall submit a new list of qualified candidates to the Governor within 15 days of the expiration of the Governor's initial appointment period. The Governor shall appoint members to the board from that list within 30 days after receipt of the list. The initial appointments to the board shall be for the following terms: The term of one of the practicing marriage and family therapists shall be one year; the term of one of the practicing marriage and family therapists and the public member shall be three years; and the term of one of the practicing marriage and family therapists and the marriage and family therapy educator shall be five years. Thereafter, the term for each successor member shall be for five years.

(c) The professional membership of the board shall be licensed pursuant to this chapter, except that the initial professional members shall be members who have been

rendering marriage and family therapy services for at least five years, or who have been giving instruction in marriage and family therapy in a regionally accredited institution of higher learning for at least five years.

(d) Vacancies on the board shall be filled for the remainder of the unexpired term. Members of the board shall serve until their successors are appointed and have qualified. Board members shall be ineligible for reappointment for a period of three years following completion of their term.

(e) Subsequent appointments to the board shall be made by the Governor as provided in this subsection. Not later than October 1 of each year, the Board of Directors of the Alabama Association for Marriage and Family Therapy shall submit to the Governor the names of two qualified candidates for each position on the board to be vacated by reason of expiration of a term of office. From the two candidates, the Governor shall appoint one member not later than January 1 to serve on the board for a term of five years. Other vacancies occurring on the board shall be filled for the unexpired term by appointment of the Governor from two candidates for each vacancy submitted by the board within 30 days after the vacancy occurs. The appointments shall be made within 30 days after the names of the candidates have been submitted. Composition of the board shall consist of one public member, one marriage and family therapy educator, and three practicing marriage and family therapists.

(f) The Governor may remove a member of the board only for neglect of duty, malfeasance, or conviction of a felony or crime of moral turpitude while in office. Notwithstanding the foregoing, no member may be removed until after a public hearing of the charges against him or her, and at least 30 days prior written notice to the accused member of the charges against him or her and of the date fixed for the hearing. No board member shall participate in any matter before the board in which he or she has a pecuniary interest, personal bias, or other similar conflict of interest.
(Acts 1997, No. 97-170, § 6.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

Code Commissioner's Notes

Act 2001-235, § 2 provides: "The existence and functioning of the Alabama Board of Examiners in Marriage and Family Therapy, created and functioning pursuant to Sections 34-17A-1 to 34-17A-26, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-17A-7. Employees; oath; meetings; powers. [AL ST SEC 34-17A-7]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) The board may employ a director, secretary, attorneys, experts, and other employees as it may from time to time find necessary for the proper performance of its duties, and for whom the necessary funds are appropriated.

(b) Before entering public duties of the office, the members of the board shall take the constitutional oath of office and shall file same in the Office of the Secretary of State, who upon receiving the oath of office shall issue each member a certificate of appointment. The board shall have available for the Governor or his or her representative detailed reports on proceedings and shall make annual reports in a form as required by the Governor.

(c) The board shall elect annually a chair and a vice chair. Each member shall receive the same per diem and travel allowance as state employees for each day of attendance at an official meeting of the board. The board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the chair or at the written request of any two members of the board. Three members of the board shall constitute a quorum.

(d) The board shall examine and pass on the qualifications of all applicants and shall issue a license to each successful applicant attesting to his or her professional qualifications as a marriage and family therapist. The board shall adopt a seal which shall be affixed to all licenses issued by the board. The board may authorize expenditures deemed necessary to carry out this chapter from the fees which it collects and other available appropriations, but in no event shall expenditures exceed the revenues of the board during any fiscal year. The board may accept grants from foundations, individuals, and institutions to carry on its function.

(Acts 1997, No. 97-170, § 7.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-17A-8. Application. [AL ST SEC 34-17A-8]

Current through End of 2003 Organizational, Regular and 1st Special Session.

(a) Each applicant for licensure as a practicing marriage and family therapist shall submit to the board a completed application on forms prescribed by the board. The completed application shall contain the following information:

(1) Satisfactory evidence that the applicant is of good moral character and has not engaged or is not engaged in any practice or conduct that would make the applicant ineligible to receive a license pursuant to Section 34-17A-14.

(2) Satisfactory evidence that the applicant meets the education and experience requirements for licensure pursuant to Section 34-17A-9 or Section 34-17A-10.

(3) Other information that the board may require.

(b) Applicants who apply for licensure on or after July 1, 1998, shall also pass an examination administered and graded by the board.

(Acts 1997, No. 97-170, § 8.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(2).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24.

§ 34-17A-9. Education and experience requirements (prior to July 1, 1998). [AL ST SEC 34-17A-9]

Current through End of 2003 Organizational, Regular and 1st Special Session.

The following education and experience requirements apply to applicants for licensure who submit a completed application prior to July 1, 1998:

(1) Educational requirements: An appropriate graduate degree, as defined by the board, from a regionally accredited institution so recognized at the time of granting the degree.

(2) Experience requirements in one of the following combinations:

a. A minimum of five years of clinical experience in the practice of marriage and family therapy, and membership in or certification by an appropriate professional organization, as defined by the board.

b. A minimum of 10 years of practice in marriage and family therapy, completion of 3,000 hours in the clinical practice of marriage and family therapy, and equivalency for course work requirements as set forth by the board.

(Acts 1997, No. 97-170, § 9.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-17A-10. Education and experience requirements (after July 1, 1998). [AL ST SEC 34-17A-10]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

The following education and experience requirements apply to applicants for licensure who submit a completed application on or after July 1, 1998:

(1) Educational requirements: A masters degree or a doctoral degree in marriage and family therapy from a recognized educational institution, or a graduate degree in an allied field from a recognized educational institution and graduate level course work in marriage and family therapy.

(2) Experience requirements: Successful completion of two calendar years of work experience in marriage and family therapy under qualified supervision, as determined by the board, following receipt of a qualifying degree.

(Acts 1997, No. 97-170, § 10.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 536-X-4-.01, Board of Examiners in Marriage and Family Therapy; Board Course Requirements.

13 Ala. Admin. Code 536-X-5-.01, Board of Examiners in Marriage and Family Therapy; Required Relevant Professional and Continuing Education Experience.

13 Ala. Admin. Code 536-X-6-.01, Board of Examiners in Marriage and Family Therapy;

Grounds for Discipline and Ethical Standards.
13 Ala. Admin. Code 536-X-7-.01, Board of Examiners in Marriage and Family Therapy;
Standards of Conduct of Marriage and Family Therapists.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-17A-11. Annual examinations. [AL ST SEC 34-17A-11]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

The board shall conduct an examination at least once a year at a time and place designated by the board. All examinations shall be written, except where the Americans with Disabilities Act or other applicable federal laws would require an accommodation be made. Each applicant shall be designated so that his or her name shall not be disclosed to the board until the examinations have been graded. Examinations shall include questions in theoretical and applied fields as the board deems most suitable to test the knowledge and competence of the applicant to engage in the practice of marriage and family therapy. An applicant shall be held to have passed an examination upon affirmative vote of at least four members of the board. Any person who fails an examination conducted by the board shall not be admitted to a subsequent examination for a period of at least six months. (Acts 1997, No. 97-170, § 11.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-17A-12. Persons licensed or certified in other states. [AL ST SEC 34-17A-12]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

The board shall issue a license by examination of credentials to any person licensed or certified as a marriage and family therapist in another state which has requirements for licensure that are equivalent to or exceed the requirements of this state, provided the applicant submits an application on forms prescribed by the board and pays the original licensure fee prescribed by this chapter.
(Acts 1997, No. 97-170, § 12.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-17A-13. Fees; duration of license; renewal. [AL ST SEC 34-17A-13]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) A fee, in an amount to be determined by the board, shall be paid to the board for original licensure.

(b) Licenses shall be valid for two years and shall be renewed biennially prior to the expiration date. The amount of the renewal fee shall be determined by the board. Any applicant for renewal of a license that has expired shall also be required to pay a late renewal fee determined by the board.

(c) On or before October 1 of the year preceding expiration of a license, the secretary of the board shall forward to the holder of the license a form of application for renewal thereof. No license shall be renewed unless the renewal request is accompanied by satisfactory evidence of the completion during the previous 24 months of relevant professional and continued educational experience. Upon the receipt of the completed application form, evidence of satisfactory professional and continued educational experience, and the renewal fee, the secretary shall issue a new license for the year commencing January 1.

(Acts 1997, No. 97-170, § 13.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1, 2).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18-19, 21-24.

§ 34-17A-14. Denial, revocation, suspension. [AL ST SEC 34-17A-14]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) The board may deny, revoke, or suspend a license granted pursuant to this chapter on any of the following grounds:

(1) Conviction of a crime which the board determines to be of a nature as to render the person convicted unfit to practice marriage and family therapy. The board shall compile, maintain, and publish a list of the crimes.

(2) Violation of ethical standards of a nature as to render the person found by the board to be unfit to practice marriage and family therapy. The board shall publish and maintain the ethical standards. Either as an alternative to, or as an additional disciplinary action, the board may levy an administrative fine of up to five hundred dollars (\$500) for an ethical violation.

(3) Fraud or misrepresentation in obtaining a license.

(4) Other just and sufficient cause which renders a person unfit to practice marriage and family therapy.

(b) No license may be denied, suspended, or revoked for the reasons set forth in subsection (a) without prior notice and opportunity for hearing, except that the board may, without prior notice of hearing, suspend for up to one year the license of any person convicted of a crime as set forth in subdivision (1) of subsection (a). The burden of proof shall be on the board in any proceeding to suspend or revoke a license. No license may be denied, suspended, or revoked pursuant to this section except by vote of a majority of the board membership.

(c) Any person may file a complaint with the board seeking denial, suspension, or revocation of a license issued or to be issued by the board. Complaints shall be in a form prescribed by the board and shall be verified under oath by the complainant or a duly authorized officer of a complainant. If the board determines that a complaint alleges facts which, if true, would require denial, revocation, or suspension of a license, it shall promptly institute a hearing. Whenever the board is of the opinion that a complaint does not state facts which warrant a hearing, the complaint may be dismissed. The board may institute a hearing for denial, suspension, or revocation of a license on its own motion.

(d) Any person may be permitted to intervene and participate in board hearings on denial, suspension, or revocation of licenses upon a showing of an interest in the proceedings.

(e) Any person whose license has been suspended or revoked may apply to the board for vacation of the suspension or reinstatement of the license.
(Acts 1997, No. 97-170, § 14.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒11.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers § 35.

§ 34-17A-15. Administrative procedure. [AL ST SEC 34-17A-15]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) The board shall conduct its proceedings in accordance with this chapter and the Alabama Administrative Procedure Act, Section 41-22-1 to 41-22-27, inclusive. Any person may be heard by the board in person or by an attorney. Every vote and official act of the board shall be entered on record. All hearings and rule-making proceedings shall be open to the public. A stenographic record shall be made of every hearing before the board.

(b) The board may administer oaths and take testimony in all matters relating to its duties. The board shall be the sole agency in this state empowered to certify concerning competence in the practice of marriage and family therapy, and the sole board empowered to license for the practice of marriage and family therapy.

(Acts 1997, No. 97-170, § 15.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-17A-16. Promulgation of rules, regulations, and procedures. [AL ST SEC 34-17A-16]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

The board shall establish rules, regulations, and procedures as are necessary to the exercise of its functions under this chapter. All rules and regulations shall be promulgated by the board pursuant to the Administrative Procedure Act, Section 41-22-1 to 41-22-27, inclusive, only after public notice and an opportunity to participate in the rule-making has been afforded all interested persons. Any person, association, corporation, or agency of government shall be permitted to participate in board rule-making proceedings.

(Acts 1997, No. 97-170, § 16.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 536-X-8-.01, Board of Examiners in Marriage and Family Therapy; Board Policies and Procedures.

15 Ala. Admin. Code 540-X-13-.01 et seq., Board of Medical Examiners, Impaired Physicians Program.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1), 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18, 53, 57.

§ 34-17A-17. Judicial review. [AL ST SEC 34-17A-17]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) A person who has exhausted all administrative remedies available within the board and who is aggrieved by a final decision of the board is entitled to judicial review. A preliminary, procedural, or intermediate board action or ruling is immediately reviewable only if review of the final board action would not provide an adequate

remedy.

(b) A proceeding for review is instituted by filing a petition in the Circuit Court of Montgomery County within 30 days after service of the final decision of the board. Copies of the petition for review shall be served upon the board and the parties of record.

(c) The filing of the petition does not stay enforcement of the decision of the board. The board may grant, or the reviewing court may order, a stay upon appropriate terms.

(d) The review shall be conducted by the court without a jury and shall be confined to the record.

(e) The court shall not substitute its judgment for that of the board as to the weight of the evidence on questions of fact. The court may affirm the decisions of the board or remand the case for further proceedings.

(f) The court may reverse or modify the decision of the board if substantial rights of the appellant have been prejudiced because the disciplinary action of the board involves any of the following circumstances:

(1) A violation of constitutional or statutory provisions.

(2) An excess of the statutory authority of the board.

(3) An unlawful procedure.

(4) An error of law.

(5) A finding unsupported by substantial evidence on the record as a whole.

(6) A finding that is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(Acts 1997, No. 97-170, § 17.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(3), 11.3(5).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 25, 51-52.

§ 34-17A-18. Expert witnesses. [AL ST SEC 34-17A-18]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) In any proceeding before the board involving the granting, suspension, or revocation of a license or in other proceedings in which expert testimony relating to the practice of marriage and family therapy is necessary, the board shall hear evidence from a qualified expert witness or witnesses selected by the parties.

(b) An expert witness who testifies in a board proceeding shall be compensated by the party requesting the testimony. An expert witness selected to testify on behalf of the board, when it is a party to a proceeding, who is an employee of an agency of the State of Alabama, or any of its political subdivisions, shall be permitted to testify without loss of income or other benefits.
(Acts 1997, No. 97-170, § 18.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒ 11.3(3).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 47-49.

§ 34-17A-19. Additional remedy. [AL ST SEC 34-17A-19]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

As an additional remedy, the board may proceed in the Circuit Court of Montgomery County to enjoin and restrain any unlicensed person from violating the prohibitions of this chapter. The board shall not be required to post bond.
(Acts 1997, No. 97-170, § 19.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Injunction ☒ 89(5).

Corpus Juris Secundum:

C.J.S. Injunctions §§ 133-135.

§ 34-17A-20. Violation. [AL ST SEC 34-17A-20]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

After July 1, 1998, any person who violates this chapter shall be guilty of a Class B misdemeanor.

(Acts 1997, No. 97-170, § 20.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒6(1), 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28, 53, 57.

§ 34-17A-21. Therapists -- Privileged communications; exceptions. [AL ST SEC 34-17A-21]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

For the purpose of this chapter, the confidential relations and communications between licensed marriage and family therapists and clients are placed upon the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communication to be disclosed, except in the following circumstances:

- (1) As mandated by law.
- (2) To prevent a clear and immediate danger to a person or persons.
- (3) Where the therapist is a defendant in a civil, criminal, or disciplinary action arising from the therapy, in which case client confidences may be disclosed only in the course of that action.
- (4) Where the client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses in his or her own behalf, or both.
- (5) If there is a waiver previously obtained in writing, the information may be revealed only in accordance with the terms of the waiver. In circumstances where more than one person in a family receives therapy conjointly, each family member who is legally competent to execute a waiver shall agree to the waiver referred to in

this subdivision. Without a waiver from each family member legally competent to execute a waiver, a therapist may not disclose information received from any family member.

(6) Where there is a duty to warn under the limited circumstances set forth in Section 34-17A-23.
(Acts 1997, No. 97-170, p. 247, § 21.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Witnesses  214.5.

Corpus Juris Secundum:

C.J.S. Witnesses § 254.

§ 34-17A-22. Therapists -- Testimony in alimony or divorce actions. [AL ST SEC 34-17A-22]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

If both parties to a marriage have obtained marriage and family therapy by a licensed marriage and family therapist, the therapist shall not be competent to testify in an alimony or divorce action concerning information acquired in the course of the therapeutic relationship. This section shall not apply to custody actions.
(Acts 1997, No. 97-170, p. 247, § 22.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Witnesses  214.5.

Corpus Juris Secundum:

C.J.S. Witnesses § 254.

§ 34-17A-23. Therapists -- Duties and liability. [AL ST SEC 34-17A-23]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) There shall be no monetary liability on the part of, and no cause of action shall arise against, any person who is a licensed marriage and family therapist in failing to predict and warn of and protect from a patient's violent behavior except where the patient has communicated to the marriage and family therapist a serious threat of physical violence against a reasonably identifiable victim or victims.

(b) The duty to warn of or to take reasonable precautions to provide protection from violent behavior arises only under the limited circumstance specified in subsection (a). The duty shall be discharged by the marriage and family therapist if reasonable efforts are made to communicate the threat to the victim or victims and to a law enforcement agency.

(c) No monetary liability and no cause of action may arise under this chapter against any person who is a licensed marriage and family therapist under this chapter for confidences disclosed to third parties in an effort to discharge duty arising pursuant to subsection (a) according to subsection (b).

(Acts 1997, No. 97-170, § 23.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

§ 34-17A-24. Annual report. [AL ST SEC 34-17A-24]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#)

The board shall submit to the Governor and the Legislature and shall publish an annual report of its work and any additional information collected by the board as it may wish to include. The board may make legislative recommendations to the Governor and the Legislature at any time.

(Acts 1997, No. 97-170, § 24.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

§ 34-17A-25. Alabama Board of Examiners in Marriage and Family Therapy Fund. [AL ST SEC 34-17A-25]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

There is established a separate revenue trust fund in the State Treasury to be known as the "Alabama Board of Examiners in Marriage and Family Therapy Fund." All receipts and disciplinary fines collected by the board under this chapter shall be deposited in this fund and used only to implement this chapter. Monies shall be disbursed only by warrant of the State Comptroller upon the State Treasury, upon itemized vouchers approved by the chair of the board or an authorized designee. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and only in amounts stipulated in general appropriations bills and other appropriations bills.
(Acts 1997, No. 97-170, § 25.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

§ 34-17A-26. Sunset provision. [AL ST SEC 34-17A-26]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

The board shall be an enumerated board pursuant to Sections 41-20-1 to 41-20-16, inclusive, and shall be reviewed at the same time as the State Board of Medical Examiners.
(Acts 1997, No. 97-170, § 26.)

HISTORICAL NOTES

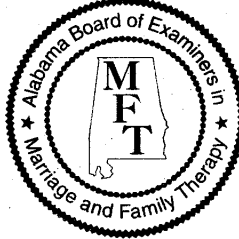
HISTORY

Effective date:

The act which added this section became effective April 8, 1997.

ALABAMA BOARD OF EXAMINERS IN MARRIAGE AND FAMILY THERAPY

610 S. McDONOUGH STREET
MONTGOMERY, AL 36104
334-269-9990
334-263-6115 FAX
E-mail: ABEMFT@aol.com
Website: www.mft.state.al.us



March 16, 2004

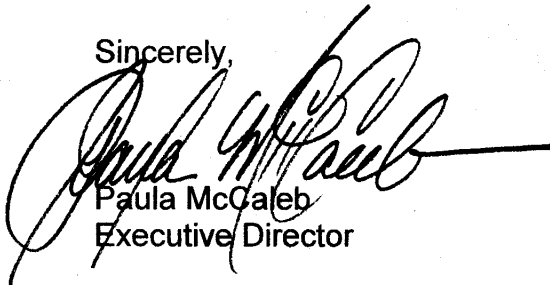
To Whom It May Concern:

The current members and the official of the Board of Examiners in Marriage and Family Therapy are:

Board Members:		Term Expires:
Hon. Charlotte Daughhetee, Ph.D. <i>Chair</i>	Birmingham, AL	December 31, 2005
Hon. John Mark Trent, Ph.D. <i>Vice Chair</i>	Montgomery, AL	December 31, 2007
Hon. Reina W. Brashier	Birmingham, AL	December 31, 2007
Hon. John A. "Jab" Brown	Elmore, AL	December 31, 2005
Official:		
Ms. Paula McCaleb Executive Director	Board of Examiners in Marriage and Family Therapy 610 S. McDonough St. Montgomery, AL 36104 Phone: 334/269-9990 FAX: 334/263-6115	Indefinite

Please don't hesitate to contact me if I can provide any further information.
Thank you.

Sincerely,



Paula McCaleb
Executive Director